

SECRETARY OF STATE[721]**Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State hereby amends Chapter 21, “Election Forms and Instructions,” Iowa Administrative Code.

This amendment is necessary to establish procedures to bring Iowa into compliance with the 2009 Military and Overseas Voters Empowerment (MOVE) Act. The MOVE Act requires county commissioners to transmit unvoted balloting materials upon request to Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters not later than 45 days before the election at which a federal office appears on the ballot. The current deadlines for providing notice of special elections to fill vacancies in U.S. congressional offices are too short for Iowa county commissioners to meet the federal requirement. This amendment is required in order to establish deadlines in the event a special election occurs before the statutes are updated to reflect the federal requirement.

Pursuant to Iowa Code section 17A.4(3), the Secretary of State finds that notice and public participation are unnecessary because this amendment is required by federal law.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Secretary of State further finds that the normal effective date of this amendment, 35 days after publication, should be waived and this amendment should be made effective upon filing. The normal effective date should be waived because the amendment is required by federal law that is already in effect. In addition, this amendment confers a benefit on the voting public and county commissioners by ensuring that election administration practices are compliant with federal law.

This amendment is also published herein under Notice of Intended Action as **ARC 0110C** to allow for public comment.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code chapters 43, 44, 45, 53 and 69.

This amendment became effective April 6, 2012.

The following amendment is adopted.

Adopt the following new rule 721—21.405(69):

721—21.405(69) Special elections to fill a vacancy in the office of representative in Congress. This rule establishes the special election calendar in the event a vacancy occurs in the office of representative in Congress that must be filled by special election pursuant to Iowa Code section 69.14.

21.405(1) Notice of election. The governor shall provide not less than 76 days’ notice of a special election to fill a vacancy in the office of representative in Congress.

21.405(2) Political party convention deadline. A political party candidate to be voted on at a special election to fill a vacancy in the office of representative in Congress shall be nominated by a convention duly called by the district central committee not less than 62 days prior to the date set for the special election.

21.405(3) Candidate filing deadline. Nominations made pursuant to Iowa Code chapter 43, 44 or 45 shall be filed in the office of the state commissioner not later than 5 p.m. on the sixty-second day prior to the date set for the special election.

21.405(4) Candidate certification deadline. Names of candidates nominated for the special election shall be certified at the earliest practicable time to the appropriate commissioners of election as required by Iowa Code section 43.88.

21.405(5) Candidate objection deadline. Written objections to the legal sufficiency of a nomination petition filed pursuant to Iowa Code chapter 45 or a certificate of nomination filed pursuant to Iowa Code chapter 43 or 44 shall be in writing and shall be filed with the state commissioner no later than 5 p.m. on the sixtieth day prior to the election.

21.405(6) Candidate withdrawal deadline. A person who has filed nomination papers with the state commissioner as a candidate for a special election to fill a vacancy in the office of representative in

Congress may withdraw by filing a written notice of withdrawal with the state commissioner no later than 5 p.m. on the sixtieth day prior to the election.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/2/12.